NOTICE OF PREPARATION

ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT FOR THE FRANKS TRACT PROJECT

CALIFORNIA DEPARTMENT OF WATER RESOURCES

To: Responsible Agencies and Interested Parties

The California Department of Water Resources (DWR) and Federal Bureau of Reclamation (Reclamation) propose to implement the Franks Tract Project to improve water quality and fisheries conditions in the Sacramento-San Joaquin Delta (Delta). The project consists of constructing and operating a flow control facility in the Franks Tract Project area that would allow better management of hydrodynamic (flow) conditions to improve salinity levels and habitat conditions for fish species of concern in the central and south Delta.

DWR, lead agency under the California Environmental Quality Act (CEQA), and Reclamation, lead agency under the National Environmental Policy Act (NEPA), have determined that an environmental impact statement/environmental impact report (EIS/EIR) will be prepared. Responsible and trustee agencies under CEQA may include the California Department of Fish and Game (DFG), Central Valley Flood Protection Board (formerly the Reclamation Board), Central Valley Regional Water Quality Control Board, and State Water Resources Control Board.

DWR and Reclamation need to know your views regarding the scope and content of the environmental information in connection with the proposed project. Four public scoping meetings for this project will be held to receive public comments at the following times and locations:

Date	Time	Location
Monday, October 6, 2008	10:00 a.m.–noon	Federal Building Cafeteria Conference Rooms C-1001 and C-1002 2800 Cottage Way Sacramento, CA 94236
Tuesday, October 7, 2008	6:00–8:30 p.m.	Memorial Building 610 St. Francis Way Rio Vista, CA 94571
Wednesday, October 8, 2008	6:00–8:30 p.m.	Contra Costa Library 501 W. 18th Street Antioch, CA 94509
Thursday, October 9, 2008	6:00–8:30 p.m.	Stockton Memorial Civic Auditorium North Hall 525 North Center Street Stockton, CA 95202

Please submit your comments to DWR at the earliest possible date, but no later than 5:00 p.m. on November 21, 2008. Please send comments to:

Mr. Ajay Goyal, Project Manager
California Department of Water Resources
1416 Ninth Street, Room No. 252-18
P.O. Box 942836
Sacramento, CA 94236-0001
E-mail: agoyal@water.ca.gov

The attached information provides a general description of the proposed project and the schedule of public scoping meetings.

Victor Pacheco
Chief, Delta Conveyance Branch
Bay-Delta Office, DWR

9-18-08
Date

INTRODUCTION

CEQA specifies that a public agency must prepare an EIR on any project that it proposes to carry out or approve that may have a significant direct or indirect impact on the environment (Public Resources Code Section 2100[a]). DWR, acting as the lead agency for CEQA compliance, and Reclamation, acting as the lead agency for NEPA compliance, have determined that the proposed project may have significant impacts on the environment and intend to prepare an EIS/EIR on the proposed project. This notice of preparation (NOP) was prepared pursuant to Section 15082 of the State CEQA Guidelines. In addition, on September 22, 2008, Reclamation published the notice of intent (NOI) in the *Federal Register*, consistent with NEPA requirements. CEQA requires only a 30-day public comment period; however, because NEPA requires that an NOI be available for public comment for 60 days, the public comment period for this NOP has been extended to 60 days.

The purpose of the scoping process is to solicit early input from the public and from responsible, cooperating, and trustee agencies regarding the development of reasonable alternatives and potential environmental impacts to be addressed in the EIS/EIR for the Franks Tract Project.

BACKGROUND INFORMATION

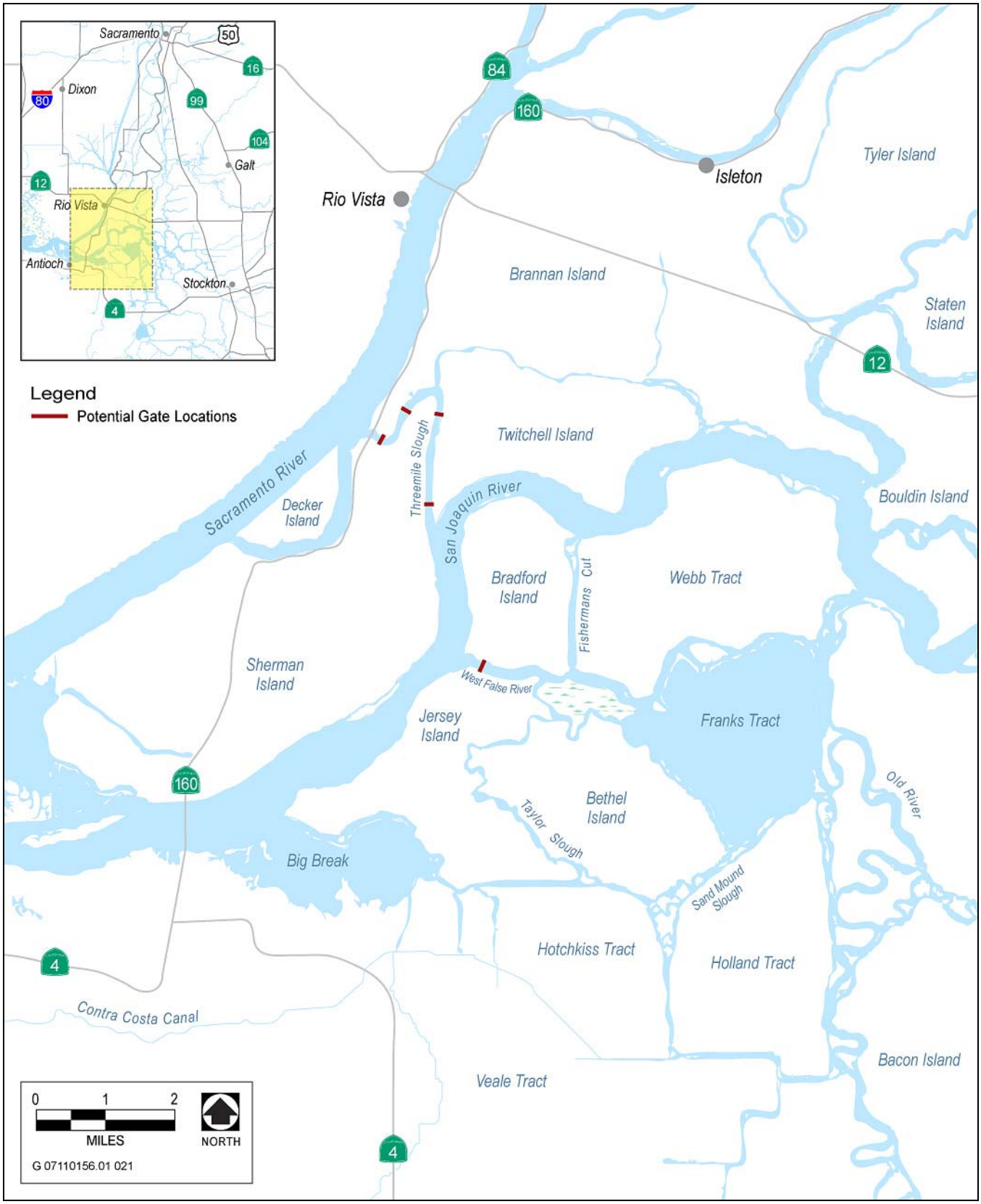
The proposed Franks Tract Project involves constructing a new flow control facility in the Franks Tract Project area of the Delta (Exhibit 1). The new facility would provide DWR and Reclamation with the operational flexibility to better manage hydrodynamic (flow) conditions and salinity concentration in the central and south Delta and thereby improve water quality and fish habitat conditions.

The Delta is the largest estuary on the west coast, providing essential habitat for hundreds of species of fish, wildlife, and plants. It provides water for a wide range of beneficial uses, including drinking water for millions of Californians, irrigation water for millions of acres of agricultural land, and spawning and rearing habitat for aquatic species. Over the past several decades, increasing demand for the Delta's resources has increased conflict between the needs of water users and efforts to sustain the estuary's aquatic ecosystem and support recovery of species listed under the California and Federal Endangered Species Acts.

The increasing conflict between uses of the Delta heightens the continuing need to address water quality and protection of fish habitat. Water quality concerns in the Delta include concentrations of higher salinity water intruding into the central portion of the Delta. Concerns regarding fish protection include the effect of State Water Project (SWP) and Central Valley Project (CVP) operations on Delta hydrodynamics, which affect the distribution and presence of fish species of concern in the Delta. These species include delta smelt (*Hypomesus transpacificus*), longfin smelt (*Spirinchus thaleichthys*), and chinook salmon (*Oncorhynchus tshawytscha*), which are listed under the California and/or Federally Endangered Species Act.

The CALFED Bay-Delta Authorization Act of 2004 (Public Law 108-361, Section 103) authorizes the Secretary of the Interior to carry out a feasibility study of possible actions. Specifically, Section 103(f)(1)(C) of the act allows for funds to be expended for feasibility studies and actions near Franks Tract to improve water quality in the Delta.

Section 103(d)(2)(B) of the act directs Reclamation to evaluate and implement improved operational procedures for the Delta Cross Channel to address fish and water quality concerns, directs Reclamation to evaluate a screened through-Delta conveyance facility on the Sacramento River, and enables funds to be expended on feasibility studies and actions at Franks Tract to improve water quality in the Delta.



Sources: CalWaters 2004, CaSIL 2001, EDAW 2008

Franks Tract Project Vicinity **Exhibit 1**

On July 17, 2007, Governor Arnold Schwarzenegger directed DWR to take immediate action to improve conditions in the Delta, including helping to restore its natural habitat and protect delta smelt and other species. The Franks Tract Project is included among the governor's immediate actions.

PROJECT OBJECTIVES

The overall purpose of the Franks Tract Project is to modify hydrodynamic conditions to protect and improve water quality in the central and south Delta, protect and enhance conditions for fish species of concern in the western and central Delta, and achieve greater operational flexibility for pump operations in the south Delta. Specifically, DWR and Reclamation have identified the following objectives for the project:

1. Modify hydrodynamic conditions for fish species of concern, particularly delta smelt and longfin smelt, to positively influence their movement to areas that provide favorable habitat conditions.

2. Improve operational flexibility of the SWP and CVP by:

    - protecting Delta fish resources, which can reduce curtailments in water exports;

    - reducing higher salinity water intrusion into the central and south Delta resulting from normal tidal influences, sea level rise, or catastrophic levee failures; and

    - protecting water quality during extended closures of the Delta Cross Channel; and

3. Develop water quality and fish protection measures consistent with long-term planning efforts for the Delta.

DWR and Reclamation have conducted a series of studies to evaluate the feasibility of modifying the hydrodynamic conditions near Franks Tract to improve Delta water quality and enhance the aquatic ecosystem. The results of these studies indicate that modifying the hydrodynamic conditions near Franks Tract may substantially reduce salinity levels in areas of the Delta and provide improved conditions for fish resources, including the precipitously declining populations of delta smelt.

DESCRIPTION OF THE FRANKS TRACT PROJECT

The Franks Tract Project involves installing and operating flow control gates on up to two Delta waterways to protect fish resources and reduce seawater salinity intrusion into the Delta. The two waterways are Threemile Slough and West False River. A flow control gate on one or both of these waterways would be implemented as part of the project (Exhibits 2–6).

Four flow control gate locations on Threemile Slough are being considered: The first location is approximately 700 feet east of the State Route (SR) 160 bridge, the second location is approximately 4,100 feet from the SR 160 bridge, the third location is approximately 8,600 feet north of the southwestern corner of Twitchell Island along Threemile Slough, and the fourth location is approximately 1,600 feet north of the southwestern corner of Twitchell Island along Threemile Slough. On West False River, only one flow control gate location is being considered. The location is approximately 1,800 feet east of the confluence with the San Joaquin River. Each of the alternative locations would have the following common components.

Sources: DWR 2008, adapted by EDAW 2008

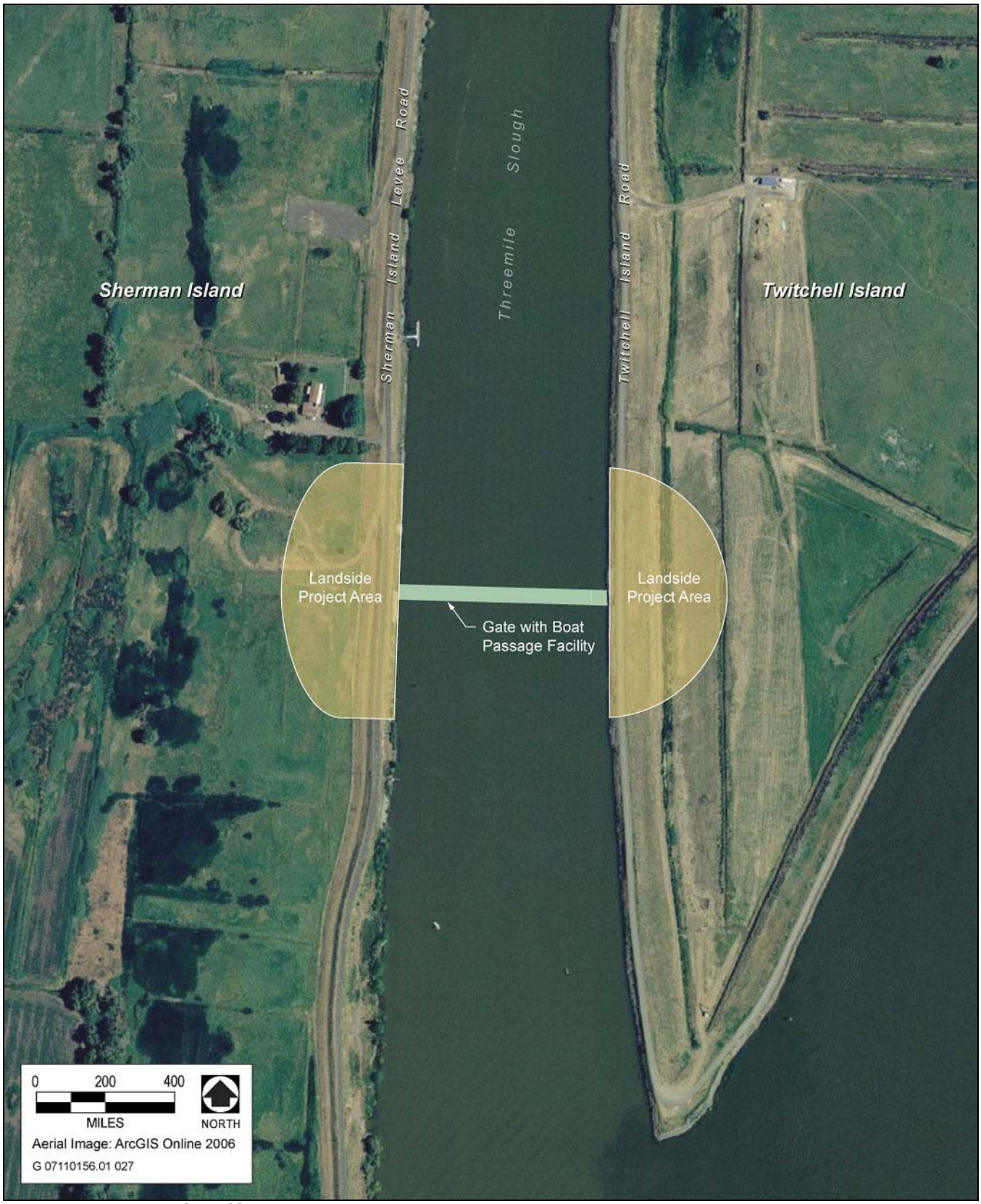
Threemile Slough Site 1 **Exhibit 2**

Sources: DWR 2008, adapted by EDAW 2008

Threemile Slough Site 2 **Exhibit 3**

Sources: DWR 2008, adapted by EDAW 2008

Threemile Slough Site 3 **Exhibit 4**



Sources: DWR 2008, adapted by EDAW 2008

Threemile Slough Site 4 **Exhibit 5**

Sources: DWR 2008, adapted by EDAW 2008

West False River Site **Exhibit 6**

Flow Control Gate

The flow control structure would include a boat passage facility and gates covering the width of the river channel. It would be built to provide passage for commercial and recreation boats. Several gate design options are being considered. These gate options include bottom-hinged gates, side-hinged flap gates, butterfly gates, wicket gates, and radial gates. The height of the gates would range between 33 feet and 40 feet, depending on the channel bathymetry at each potential gate location.

Levee-Strengthening Materials Borrow Sites

If levees adjacent to the gate structure require strengthening, off-site earthen materials may need to be imported and used for levee improvements. Several potential borrow sites would be considered to provide mineral soils suitable for use as levee fill. The effect of excavating surface soils from these borrow sites will be discussed in the EIS/EIR, including potential effects on terrestrial biological resources, cultural or historic resources, noise and air emissions, and other topics associated with excavating, transporting, and distributing earthen materials for levee-strengthening needs.

Other On-Site Improvements

A control building would be constructed to house the operation and maintenance equipment. The building would also house control and electrical power systems for the facility. A road would be constructed to provide access.

POTENTIAL ENVIRONMENTAL EFFECTS

The EIS/EIR will evaluate the potential effects of installing and operating flow control gates on Threemile Slough and/or West False River, as well as the No-Project/No-Action Alternative. Reasonably foreseeable, direct, indirect, and cumulative effects will be analyzed.

Delta Hydrodynamic Conditions and Water Quality

The project would directly affect the hydrodynamic characteristics and circulation of Delta waterways resulting from operation of flow control gate(s) on Threemile Slough and/or West False River. With changes to Delta hydrodynamic characteristics, Delta waterways could exhibit changes to salinity concentrations, as measured by electrical conductivity. Modifications to SWP and CVP operations and associated effects on Delta flows and water quality also will be evaluated.

Delta Fish and Aquatic Resources

Changes to Delta hydrodynamic characteristics and water quality would have both direct and indirect effects on the movement and habitat of several Delta fish species of concern, including delta smelt, longfin smelt, and chinook salmon. The EIS/EIR will evaluate the potential effects of changing hydrodynamic characteristics and water quality on the habitat of these fish species.

Biological Resources

The installation of the flow control gate(s) could directly affect both aquatic and terrestrial species found at the alternative gate locations. Installing gate foundations, establishing paved surfaces and structures, and placing earthen levee materials could result in temporary and/or permanent loss of habitat supporting special-status plant or wildlife species, wetlands, or aquatic species residing in the project area.

Boating and Navigation of Delta Waterways

Operation of the gate(s) could impede the movement and navigation of boats on Threemile Slough and/or West False River. Boat passage facilities would be installed to allow boat movement during periods when gates are operating. The EIS/EIR will evaluate potential effects of gate operations on navigation in these Delta waterways.

Other Resource Areas

Other resource areas to be addressed in the EIS/EIR include, but are not limited to:

- Soils, Geology, and Seismicity
- Drainage
- Water Rights and Water Uses
- Terrestrial Habitat
- Cultural Resources
- Paleontological Resources
- Land Use
- Population and Housing
- Transportation and Circulation
- Air Quality
- Noise
- Recreation
- Visual Resources
- Public Services and Utilities
- Hazards and Hazardous Materials
- Environmental Justice
- Climate Change
- Indian Trust Assets

Comments on the NOP, comments from the public and agency scoping meetings, and further analyses may identify additional environmental resources to be evaluated.

OPPORTUNITIES FOR PUBLIC PARTICIPATION

This notice is being made available to obtain suggestions and information from agencies and the public on the scope of issues and alternatives to be addressed in the EIS/EIR and to identify important issues raised by the public related to the development and implementation of the Franks Tract Project.

DWR and Reclamation will seek public input on alternatives, concerns, and issues to be addressed in the EIS/EIR through a series of scoping meetings and a request for written comments. Interested parties are encouraged to provide comments on the NOP at the scoping meetings described below or to provide DWR with written comments.

SCOPING MEETINGS

Four public scoping meetings for this project will be held to receive public comments at the following times and locations:

Date	Time	Location
Monday, October 6, 2008	10:00 a.m.–noon	Federal Building Cafeteria Conference Rooms C-1001 and C-1002 2800 Cottage Way Sacramento, CA 94236
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WRITTEN COMMENTS

Written comments are invited from interested parties to ensure that the full range of issues related to the proposed project is identified. All comments received, including the names and addresses, will become part of the official administrative record and may be made available to the public.

In accordance with State CEQA Guidelines Section 15082, responsible and trustee agencies should indicate their respective level of responsibility for the project to the lead agency. The State CEQA Guidelines further provide that within 30 days after receiving the NOP, each responsible and trustee agency shall provide the lead agency with specific detail about the scope, potentially significant environmental issues, reasonable alternatives, and mitigation measures related to the responsible or trustee agency's area of statutory responsibility that will need to be explored in the EIR portion of the EIS/EIR (State CEQA Guidelines Section 15082[b][1][A]). As stated previously, the public comment period for this NOP has been extended to 60 days.

Because of time limits mandated by State law, all written comments on the scope of the EIS/EIR must be received by DWR by 5:00 p.m. on **November 21, 2008**. Please send all written comments to:

Mr. Ajay Goyal, Project Manager
California Department of Water Resources
1416 Ninth Street, Room No. 252-18
P.O. Box 942836
Sacramento, CA 94236-0001
E-mail: agoyal@water.ca.gov

FURTHER INFORMATION

Further information regarding the forthcoming Franks Tract Project EIS/EIR can be obtained from the following DWR and Reclamation staff members and at the project Web site: **http://baydeltaoffice.water.ca.gov/ndelta/frankstract/index.cfm**.

Mr. Ajay Goyal, Project Manager
California Department of Water Resources
1416 Ninth Street, Room No. 252-18
P.O. Box 942836
Sacramento, CA 94236-0001

Telephone: (916) 651-9823
E-mail: agoyal@water.ca.gov

Ms. Sharon McHale, Project Manager
Mid-Pacific Region
U.S. Bureau of Reclamation
2800 Cottage Way, MP-730
Sacramento, CA 95825-1898

Telephone: (916) 978-5086
E-mail: smchale@mp.usbr.gov